

**Nov 01, 2018**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SHEILA K. WATERBURY HADLEY,

Plaintiff,

v.

TIMOTHY J. HADLEY;  
EOWEN ROSENTRATER;  
JANELLE CARMEN; and  
HON. JOHN LOHRMANN,

Defendants.

No. 4:18-CV-05129-EFS

**ORDER DISMISSING COMPLAINT**

**Clerk's Office Action Required**

Before the Court is Plaintiff Sheila Waterbury Hadley's First Amended Complaint.<sup>1</sup> Plaintiff asserts: (1) Walla Walla Superior Court Judge John Lohrmann unconstitutionally failed to read Plaintiff's submissions to his court; (2) the contempt proceedings in the superior court are unconstitutional; (3) this Court should invalidate the proceedings between Plaintiff and Timothy Hadley;<sup>2</sup> (4) Timothy Hadley failed to pay spousal support; (5) Janelle Carman committed malpractice as

<sup>1</sup> ECF No. 19. The Court granted Plaintiff the opportunity to amend her original complaint, and set a deadline of September 14, 2018. ECF No. 15. Plaintiff filed a Second Amended Complaint, ECF No. 21, but it was submitted on September 20, 2018. Plaintiff's Second Amended Complaint is therefore untimely.

<sup>2</sup> Plaintiff and Timothy Hadley share the same last name, so the Court refers to Defendant using his first and last name throughout this Order.

1 Plaintiff's attorney; and (6) Eowen Rosentrater committed malpractice as Timothy  
2 Hadley's attorney.<sup>3</sup> For the reasons explained in this Order, the Court dismisses  
3 Plaintiff's complaint in part for lack of subject matter jurisdiction, and dismisses in  
4 other part under the *Younger* abstention doctrine, all without prejudice.

## 5 I. BACKGROUND

6 This case results from proceedings related to the dissolution of marriage  
7 between Plaintiff Sheila Karen Waterbury Hadley and her ex-husband, Timothy  
8 Hadley.<sup>4</sup> Plaintiff was represented by counsel, Janelle Carmen.<sup>5</sup> Timothy Hadley  
9 was also represented by counsel, Eowen Rosentrater.<sup>6</sup> In 2016, Plaintiff and Timothy  
10 Hadley mediated the dissolution and entered an agreement.<sup>7</sup> The agreement  
11 included an arbitration provision for disputes.<sup>8</sup> The Walla Walla Superior Court  
12 entered a judgment of dissolution.<sup>9</sup> Plaintiff and Timothy Hadley now dispute how  
13 the dissolution agreement dealt with payment of federal income taxes.<sup>10</sup> Timothy  
14 Hadley attempted to arbitrate, but Plaintiff refused.<sup>11</sup>

15  
16 Plaintiff filed suit against Timothy Hadley, the Walla Walla Superior Court,  
17 Eowen Rosentrater, Janelle Carman, and Michael Mitchell<sup>12</sup> on August 3, 2018, the  
18 same day that Timothy Hadley filed a "Respondent's Third Motion for Contempt  
19

---

20 <sup>3</sup> See ECF No. 19.

21 <sup>4</sup> ECF No. 22.

22 <sup>5</sup> ECF No. 19.

23 <sup>6</sup> *Id.*

24 <sup>7</sup> ECF No. 22.

25 <sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Plaintiff's original complaint states that Michael Mitchell was an "attorney and arbitrator." ECF No. 1 at 3.

1 Hearing” in the Walla Walla Superior Court.<sup>13</sup> The Motion requested a contempt  
2 hearing, and Timothy Hadley appears to have checked a box on the Motion asking  
3 that Plaintiff be sent to jail if the superior court found her in contempt.<sup>14</sup> In Plaintiff’s  
4 Complaint, Plaintiff alleged that federal taxes were unconstitutionally and  
5 “fraudulently attributed to [her] in mediation,” and that the Walla Walla Superior  
6 Court contempt proceedings are unconstitutional.<sup>15</sup> In particular, she took issue with  
7 the contempt forms used by the superior court that contain the “check the box, go to  
8 jail” provision.<sup>16</sup> Plaintiff also asserted that Timothy Hadley, Ms. Rosentrater,  
9 Ms. Carman, and Mr. Mitchell participated in fraudulently attributing taxes to  
10 Plaintiff in violation of the U.S. Constitution.<sup>17</sup>

12 On August 27, 2018, the day of Plaintiff’s contempt proceedings, Plaintiff filed  
13 her “Emergency Motion for Removal of Case No. 16-3-00024-4 from State court of  
14 Washington, County of Walla Walla,”<sup>18</sup> asking this Court to remove the underlying  
15 state court proceedings from the superior court to this Court, and to declare the  
16 superior court’s rulings void.<sup>19</sup> At the contempt proceedings that day, Plaintiff  
17 argued that the superior court should require Timothy Hadley to pay taxes through  
18 different funds.<sup>20</sup> Timothy Hadley argued that Plaintiff was in contempt of the  
19  
20  
21

---

22 <sup>13</sup> ECF No. 1.

23 <sup>14</sup> See ECF Nos. 1 & 22.

24 <sup>15</sup> See ECF No. 1.

25 <sup>16</sup> See *Id.*

<sup>17</sup> See *Id.*

<sup>18</sup> ECF No. 8.

<sup>19</sup> See ECF Nos. 1 and 8.

<sup>20</sup> ECF No. 22.

1 dissolution agreement.<sup>21</sup> Walla Walla Superior Court Judge John W. Lohrmann did  
2 not send Plaintiff to jail, but found her in contempt and ordered her to pay \$100.<sup>22</sup>

3 On September 5, 2018, this Court issued its “Order to Amend Complaint and  
4 Dismiss Plaintiff’s Emergency Motion for Removal of Case No. 16-3-00024-4 from  
5 State Court of Washington, County of Walla Walla,” allowing Plaintiff to amend her  
6 Complaint and dismissing her motion for removal.<sup>23</sup> On September 14, 2018,  
7 Plaintiff filed her First Amended Complaint, dropping the Walla Walla Superior  
8 Court as a defendant and adding Judge Lohrmann.<sup>24</sup> She also filed a Motion for  
9 Appointment of Pro Bono Counsel.<sup>25</sup> In her First Amended Complaint, Plaintiff  
10 asserts: (1) Judge Lohrman failed to read her submissions to his court, in violation  
11 of the Due Process clause; (2) the contempt proceedings in Walla Walla Superior  
12 Court are unconstitutional; (3) the Court should void the superior court proceedings  
13 between Plaintiff and Timothy Hadley; (4) Timothy Hadley failed to pay spousal  
14 support; (5) Ms. Carman committed legal malpractice; and (6) Ms. Rosentrater  
15 committed legal malpractice.<sup>26</sup>

17 On September 17, 2018 Plaintiff filed a Motion to Dismiss Complaint as to  
18 Defendant Michael Mitchell.<sup>27</sup> On September 20, 2018, Plaintiff filed a Second  
19 Amended Complaint.<sup>28</sup> On September 24, 2018, Judge Lohrmann filed a Motion to  
20

---

21  
22 <sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> ECF No. 15.

<sup>24</sup> ECF No. 19.

<sup>25</sup> ECF No. 18.

<sup>26</sup> ECF No. 19.

<sup>27</sup> ECF No. 20.

<sup>28</sup> ECF No. 21.

Dismiss.<sup>29</sup> On October 3, 2018, Ms. Carman filed a Joinder in Defendant Lohrmann's Motion to Dismiss.<sup>30</sup> On October 15, 2015, the Court denied Plaintiff's Motion for Appointment of Pro Bono Counsel.<sup>31</sup> On October 16, 2018, the Court dismissed Mr. Mitchell.<sup>32</sup> On October 26, 2018, Ms. Rosentrater filed a Motion for Dismissal Pursuant to CR 12(b)(1) and 12(b)(6).<sup>33</sup>

## I. ANALYSIS

The Court dismisses Plaintiff's first Amended Complaint. Plaintiff's claim that Judge Lohrmann violated her Constitutional rights by failing to read her submissions to his court is barred by judicial immunity and the Eleventh Amendment. Her claim also must be dismissed against Judge Lohrmann because Plaintiff has not shown she has standing. Plaintiff has standing to assert that the Walla Walla Superior Court contempt proceedings are unconstitutional, however, the Court must abstain from reaching the merits of Plaintiff's claim under the *Younger* abstention doctrine. Plaintiff's claims against Timothy Hadley must also be dismissed pursuant to the *Rooker-Feldman* doctrine and for lack of subject matter jurisdiction. Finally, the Court has no subject matter jurisdiction over Plaintiff's malpractice claims against Ms. Carman and Ms. Rosentrater.

---

<sup>29</sup> ECF No. 22.

<sup>30</sup> ECF No. 23.

<sup>31</sup> ECF No. 25.

<sup>32</sup> ECF No. 26.

<sup>33</sup> ECF Nos. 27 & 28.

1 **A. Plaintiff's claim against Judge Lohrmann is dismissed pursuant to**  
2 **judicial immunity, the Eleventh Amendment, and lack of standing.**

3 Plaintiff requests declaratory and injunctive relief against Judge Lohrmann  
4 in his official capacity, pursuant to 42 U.S.C. § 1983.<sup>34</sup> This Court construes the First  
5 Amended Complaint liberally because Plaintiff is pro se.<sup>35</sup> Plaintiff asks us to  
6 admonish Judge Lohrmann, direct him to read all submissions to his court, and  
7 declare that his failure to read Plaintiff's submissions violated Plaintiff's Due  
8 Process rights.<sup>36</sup> Judge Lohrmann asserts that he is protected by judicial immunity  
9 and the Eleventh Amendment.<sup>37</sup>

10 Plaintiff's request for injunctive relief is barred by judicial immunity. The  
11 Eleventh Amendment also bars Plaintiff's request for retrospective declaratory  
12 relief. Ultimately, to the extent Plaintiff's Complaint can be construed as requesting  
13 prospective declaratory relief, her claim against Judge Lohrmann must be dismissed  
14 because Plaintiff has not shown that she has standing.

15  
16 1. Plaintiff's request for injunctive relief is barred by judicial immunity.

17 Judicial immunity bars Plaintiff's request for injunctive relief against Judge  
18 Lohrmann. In 1996, Congress amended 42 U.S.C. § 1983, extending the protections  
19 of judicial immunity.<sup>38</sup> Section 1983 as amended states: "injunctive relief shall not  
20 be granted" in an action brought against "a judicial officer for an act or omission  
21

---

22 <sup>34</sup> Judge Lohrmann asserts that he is judicially immune from Plaintiff's request for monetary  
23 damages. ECF No. 22. However, this Court does not read Plaintiff's complaint as requesting  
24 monetary damages against Judge Lohrmann.

<sup>35</sup> *Eldridge v. Block*, 832 F.2d 1132, 1137 (9th Cir. 1987).

<sup>36</sup> See ECF No. 19.

<sup>37</sup> ECF No. 22.

<sup>38</sup> Federal Courts Improvement Act of 1996, Pub. L. No. 104-317, § 309(c), 110 Stat. 3847, 3853  
25 (1996) (codified at 42 U.S.C. § 1983).

1 taken in such officer's judicial capacity . . . unless a declaratory decree was violated  
2 or declaratory relief was unavailable." This amendment was intended to overrule the  
3 Supreme Court's decision in *Pulliam v. Allen*, holding that judicial immunity is not  
4 a bar to demands for injunctive or declaratory relief against state judges.<sup>39</sup> Section  
5 1983, as amended, therefore provides judicial officers immunity from injunctive  
6 relief.<sup>40</sup> However, the limits in 42 U.S.C. § 1983 do not appear to alter the availability  
7 of declaratory relief.<sup>41</sup> Plaintiff requests that this court order Judge Lohrman to read  
8 all future submissions to his court,<sup>42</sup> which the Court construes as a request for  
9 injunctive relief. Section 1983 therefore bars Plaintiff's request for injunctive relief,  
10 but not her request for declaratory relief.

12       2.     Plaintiff's request for retrospective declaratory relief is barred by the  
13             Eleventh Amendment.

14       Plaintiff's Complaint also seeks declaratory relief against Judge Lohrmann,  
15 which is permissible in some circumstances under the Eleventh Amendment. The  
16 Eleventh Amendment generally bars federal courts from entertaining suits brought  
17 by private parties against a state or its instrumentality in the absence of state  
18 consent.<sup>43</sup> Washington's sovereign immunity extends to its superior courts as they

---

22 <sup>39</sup> See *Moore v. Urquhart*, 899 F.3d 1094, 1104 (9th Cir. 2018). See also *Pulliam v. Allen*, 466 U.S.  
522, 541–43 (1984).

23 <sup>40</sup> *Moore*, 899 F.3d at 1104.

24 <sup>41</sup> *Eugster v. Washington State Bar Ass'n.*, No. CV 09-357-SMM, 2010 WL 2926237, at \*10 (E.D.  
Wash. July 23, 2010), aff'd sub nom. *Eugster v. Washington State Bar Ass'n*, 474 F. App'x 624 (9th  
Cir. 2012) (citing *Brandon E. ex rel Listenbee v. Reynolds*, 201 F.3d 194, 197–198 (3rd Cir. 2000)).

25 <sup>42</sup> ECF No. 19.

<sup>43</sup> See *Los Angeles Cty. Bar Ass'n v. Eu*, 979 F.2d 697, 704 (9th Cir. 1992).

1 are arms of the State.<sup>44</sup> Judge Lohrman is a State agent because he is a superior  
2 court judge.<sup>45</sup> However, the Eleventh Amendment does not bar actions seeking only  
3 *prospective* declaratory relief against state officers in their official capacities.<sup>46</sup>  
4 Plaintiff requests that this Court declare that Judge Lohrmann's failure to read  
5 every submissions to his court violates the Due Process clause,<sup>47</sup> which this Court  
6 construes as a request for declaratory relief.

7  
8 Nevertheless, Plaintiff requests declaratory relief that focuses on past alleged  
9 Constitutional violations—i.e., a retrospective claim for relief—and the Eleventh  
10 Amendment bars retrospective declaratory relief against state officers. Relief to  
11 bring an end to an ongoing violation is not barred by the Eleventh Amendment.<sup>48</sup> On  
12 the other hand, “declaratory relief against a state official may not be premised on a  
13 wholly past violation of federal law.”<sup>49</sup> Such retrospective relief “would not serve the  
14 federal interest in assuring future compliance with federal law, and would only be  
15 useful as a basis for a damage award in a subsequent proceeding.”<sup>50</sup> Plaintiff's First  
16 Amended Complaint focuses primarily on submissions that she previously submitted  
17 to Judge Lohrman.<sup>51</sup> Plaintiff gives no indication that this alleged Constitutional  
18

---

19  
20 <sup>44</sup> *Greater Los Angeles Council on Deafness, Inc. v. Solin*, 812 F.2d 1103, 1110 (9th Cir. 1987)  
21 (concluding that suit against a California superior court is a suit against the State, barred by the  
Eleventh Amendment, superseded by statute on other grounds).

22 <sup>45</sup> *Hyland v. Wonder*, 117 F.3d 405, 413 (9th Cir. 1997) (concluding that superior court judges are  
state agents).

23 <sup>46</sup> *Los Angeles Cty. Bar Ass'n*, 979 F.2d at 704. *See also Andrews v. Hens-Greco*, 641 F. App'x 176,  
180 (3d Cir. 2016).

24 <sup>47</sup> ECF No. 19.

25 <sup>48</sup> *Los Angeles Cty. Bar Ass'n*, 979 F.2d at 704.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> ECF No. 19.



1 violation is ongoing. The Court therefore reads Plaintiff's Complaint as a request for  
2 retrospective relief, which is barred by the Eleventh Amendment.

3 3. Plaintiff's request for prospective declaratory relief is dismissed  
4 because Plaintiff has not shown she has standing.

5 Further, to the extent that Plaintiff's Complaint can be construed as  
6 requesting *prospective* declaratory relief, which is permissible under the Eleventh  
7 Amendment, Plaintiff lacks standing to assert the claim against Judge Lohrmann.<sup>52</sup>  
8 A plaintiff has the burden to establish that it has standing.<sup>53</sup> Standing pertains to a  
9 federal court's subject matter jurisdiction.<sup>54</sup> Courts consider standing under an  
10 Article III analysis to determine "whether the plaintiff has alleged such a personal  
11 stake in the outcome of the controversy as to warrant [the plaintiff's] invocation of  
12 federal-court jurisdiction and to justify exercise of the court's remedial powers on  
13 [the plaintiff's] behalf."<sup>55</sup> Plaintiff must show: (1) injury in fact; (2) a causal  
14 connection between the injury and the conduct complained of; and (3) a likelihood  
15 that the injury will be redressed by a favorable decision.<sup>56</sup> Courts accept as true all  
16 material allegations of the complaint, and construe the complaint in favor of the  
17 complaining party.<sup>57</sup>

---

21 <sup>52</sup> Judge Lohrmann did not raise the issue of standing, but "the Court raises it sua sponte, as the  
22 law requires." *RK Ventures, Inc. v. City of Seattle*, 307 F.3d 1045, 1056 (9th Cir. 2002).

23 <sup>53</sup> *WildEarth Guardians v. U.S. Dep't of Agric.*, 795 F.3d 1148, 1154 (9th Cir. 2015) (citing *Salmon*  
*Spawning & Recovery All. v. Gutierrez*, 545 F.3d 1220, 1225 (9th Cir. 2008)); *Chandler v. State*  
*Farm Mut. Auto. Ins. Co.*, 598 F.3d 1115, 1122 (9th Cir. 2010).

24 <sup>54</sup> *Chandler*, 598 F.3d at 1122.

25 <sup>55</sup> *Id.*

<sup>56</sup> *Novak v. United States*, 795 F.3d 1012, 1017–18 (9th Cir. 2015) (citation omitted).

<sup>57</sup> *Id.*

1 For the same reasons that Plaintiff's claim should be dismissed under the  
2 Eleventh Amendment, Plaintiff has failed to show she suffers "injury in fact." An  
3 injury in fact is an invasion of a legally protected interest that is "concrete and  
4 particularized" and "actual or imminent, not conjectural or hypothetical."<sup>58</sup> When a  
5 plaintiff requests prospective declaratory relief, that plaintiff must show that a  
6 future injury to her is "certainly impending" or that there is a "substantial risk that  
7 harm will occur."<sup>59</sup> As stated, Plaintiff's First Amended Complaint focuses on her  
8 previous submissions to Judge Lohrmann.<sup>60</sup> Plaintiff has not stated that she intends  
9 to file anything else in Judge Lohrmann's court and therefore has not shown that  
10 future injury to Plaintiff is certainly impending or that she is at substantial risk of  
11 harm.  
12

13 Plaintiff has also not shown that a favorable ruling from this Court would  
14 redress the injuries she alleges.<sup>61</sup> The requested declaratory relief—declaring failure  
15 to read submissions unconstitutional and ordering Judge Lohrmann to read all  
16 *future* submissions<sup>62</sup>—would not redress any retrospective harm Plaintiff has  
17 allegedly suffered.  
18  
19  
20  
21  
22

---

23 <sup>58</sup> *Lopez v. Candaele*, 630 F.3d 775, 785 (9th Cir. 2010).

24 <sup>59</sup> *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 134 (2014) (citing *Clapper v. Amnesty Intern.*  
25 *USA*, 568 U.S. 398, 414 n. 5 (2013)).

<sup>60</sup> See ECF No. 19.

<sup>61</sup> *Novak*, 795 F.3d at 1017–18.

<sup>62</sup> See ECF No. 19.

1 **B. Plaintiff has demonstrated standing to assert that the superior court**  
2 **contempt proceedings were unconstitutional, yet the claim is**  
3 **dismissed pursuant to the *Younger* abstention doctrine.**

4 The Court allowed Plaintiff to amend her original Complaint to show that  
5 Plaintiff has standing to assert that the superior court contempt proceedings are  
6 unconstitutional.<sup>63</sup> A court may order a plaintiff to supply, by amendment to the  
7 complaint or by affidavits, further particularized allegations of fact deemed  
8 supportive of plaintiff's standing.<sup>64</sup> If after this opportunity a plaintiff's standing  
9 does not adequately appear from all materials of record, the complaint must be  
10 dismissed.<sup>65</sup>

11 The record indicates that Plaintiff has not paid her contempt fine, which gives  
12 Plaintiff standing to assert that the contempt proceedings of the Walla Walla  
13 Superior Court are unconstitutional under *Juidice v. Vail*. In *Juidice*, the Supreme  
14 Court held that once an individual is held in contempt and pays the court imposed  
15 fine, that individual no longer has standing to challenge the contempt proceedings.<sup>66</sup>  
16 However, two plaintiffs in *Juidice* had standing to challenge their contempt  
17 proceedings because they alleged they were "in imminent danger of being imprisoned  
18 pursuant to the Order of Contempt."<sup>67</sup> Superior Court Judge John Lohrmann states  
19 in his Motion to Dismiss that he held Plaintiff in contempt of court and ordered her  
20 to pay a \$100 fine.<sup>68</sup> Plaintiff does not state whether or not she paid her fine, but  
21

---

22 <sup>63</sup> ECF No. 15.

23 <sup>64</sup> *Maya v. Centex Corp.*, 658 F.3d 1060, 1067 (9th Cir. 2011).

24 <sup>65</sup> *Table Bluff Reservation v. Philip Morris, Inc.*, 256 F.3d 879, 882 (9th Cir. 2001).

25 <sup>66</sup> *See Juidice v. Vail*, 430 U.S. 327, 329–333 (1997). *See also* ECF No. 15 at 3.

<sup>67</sup> *Id.*

<sup>68</sup> ECF No. 22.

1 states she is “in constant fear” that she will return to prison.<sup>69</sup> Ms. Rosentrater’s  
2 Motion to Dismiss contends that Plaintiff has not paid her fine.<sup>70</sup> In deciding a  
3 motion to dismiss for lack of standing, the court may look beyond the pleadings to  
4 affidavits and other testimony in order to resolve factual issues related to  
5 jurisdiction.<sup>71</sup> The Court determines that Plaintiff has standing because it appears  
6 that she has not paid her court imposed fine.

7  
8 However, for the reasons explained in the Court’s Order to Dismiss or Amend,  
9 the Court must abstain from determining the constitutionality of the Walla Walla  
10 Contempt proceedings under the *Younger* abstention doctrine, and dismisses the  
11 claim on that ground.<sup>72</sup>

12 **C. Plaintiff’s claims against Timothy Hadley are dismissed pursuant to**  
13 **the *Rooker-Feldman* doctrine and for lack of subject matter**  
14 **jurisdiction.**

15 Plaintiff asserts two claims against Timothy Hadley: (1) that the decision  
16 between Plaintiff and Timothy Hadley is erroneous and should be voided by this  
17 Court; (2) Timothy Hadley is delinquent on his spousal support payments.<sup>73</sup>

---

21 <sup>69</sup> ECF No. 19.

22 <sup>70</sup> ECF No. 28.

23 <sup>71</sup> *Bisson v. Bank of Am., N.A.*, 919 F. Supp. 2d 1130, 1135 (W.D. Wash. 2013) (citing *McCarthy v.*  
24 *United States*, 850 F.2d 558, 560 (9th Cir.1988)). *See also Colwell v. Dep’t of Health & Human*  
*Servs.*, 558 F.3d 1112, 1121 (9th Cir. 2009) (“A complaint should not be dismissed unless it  
appears beyond a doubt that plaintiff can prove no set of facts in support of the claim that would  
entitle it to relief.”).

25 <sup>72</sup> *See* ECF No. 15 at 4–7 (citing *Younger v. Harris*, 401 U.S. 37, 43 (1971)).

<sup>73</sup> *See* ECF No. 19.

1           The Court does not have subject matter jurisdiction to appeal a state court  
2 decision under the *Rooker-Feldman* doctrine.<sup>74</sup> When issues presented in a federal  
3 suit are “inextricably intertwined” with the issues in a de facto appeal from a state  
4 court decision, *Rooker-Feldman* dictates that those intertwined issues “may not be  
5 litigated” in federal court.<sup>75</sup> In essence, the doctrine prevents litigants who are  
6 unhappy with the results obtained in state court from coming to federal court hoping  
7 for a better outcome. Plaintiff seeks a de facto appeal of the state court decision,  
8 which is prohibited under *Rooker-Feldman*.  
9

10           Plaintiff has not demonstrated that this Court has subject matter jurisdiction  
11 over Plaintiff’s claim that Timothy Hadley failed to pay spousal support payments.  
12 Federal courts are courts of limited jurisdiction, and there is no presumption that  
13 they have subject matter jurisdiction to adjudicate a particular case.<sup>76</sup> Indeed, the  
14 burden of showing subject matter jurisdiction lies with Plaintiff. The party seeking  
15 to invoke federal jurisdiction must affirmatively allege the facts supporting it.<sup>77</sup>  
16 Federal courts historically have no subject matter jurisdiction over divorce and  
17 related matters in the field of domestic relations.<sup>78</sup> Further, Plaintiff has not alleged  
18  
19  
20

---

21 <sup>74</sup> *Lance v. Dennis*, 546 U.S. 459, 463 (2006); *Noel v. Hall*, 341 F.3d 1148, 1164 (9th Cir. 2003). *See*  
22 *D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 482–83 (1983); *Rooker v. Fidelity Trust Co.*, 263  
U.S. 413, 415–16 (1923).

23 <sup>75</sup> *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1142 (9th Cir. 2004).

24 <sup>76</sup> *See Leite v. Crane Co.*, 749 F.3d 1117, 1121 (9th Cir. 2014) (explaining what a Plaintiff needs to  
show to invoke a federal court’s jurisdiction).

25 <sup>77</sup> *See Id.*

<sup>78</sup> *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1991). *See* Wright, Miller & Cooper, Federal Practice  
and Procedure, Jurisdiction § 3609.

1 that this Court has diversity jurisdiction under 28 U.S.C. § 1331.<sup>79</sup> Plaintiff has  
2 therefore not provided any basis for the Court's subject matter jurisdiction over her  
3 claims against Timothy Hadley.

4 **D. Plaintiff's claim against Janelle Carman is dismissed for lack of**  
5 **standing.**

6 Similarly, Plaintiff has not established that the Court has subject matter  
7 jurisdiction over the state-law legal malpractice claim against her former attorney,  
8 Ms. Carman.<sup>80</sup> The Court therefore dismisses Plaintiff's malpractice claim against  
9 Ms. Carman for lack of subject matter jurisdiction.

10 Ms. Carman filed a "Joinder" in Defendant Lohrman's Motion to Dismiss,  
11 which the Court construes as a motion to join, and denies the motion.<sup>81</sup> Federal Rule  
12 of Civil Procedure 20 states that a defendant *may* be joined in one action with  
13 another defendant if (1) any right to relief is asserted against them jointly, severally,  
14 or in the alternative with respect to or arising out of the same transaction,  
15 occurrence, or series of transactions or occurrences; and (b) any question of law or  
16 common fact to all defendants will arise in the action. Judge Lohrmann's motion to  
17 dismiss does not address the malpractice claims asserted against Ms. Carman.  
18 Therefore, the Court denies Ms. Carman's construed motion.  
19

---

22 <sup>79</sup> In any event, Plaintiff has not asserted the requisite amount in controversy under Section 1331.  
23 ECF No. 19 (asserting Timothy Hadley is "guilty of failure to pay spousal maintenance and order  
him to pay the sum of \$4,500 plus all costs of these proceedings.").

24 <sup>80</sup> *E.g., Aragon v. Federated Dep't Stores, Inc.*, 750 F.2d 1447, 1458 (9th Cir. 1985) ("Without a  
federal claim upon which to append the related state cause of action, the federal court has no  
basis for asserting jurisdiction over Aragon's malpractice claim.").

25 <sup>81</sup> ECF No. 23.

1 **E. Plaintiff's claim against Eowen Rosentrater is dismissed for lack of**  
2 **standing.**

3 For the reasons that the Court dismisses Plaintiff's claim against  
4 Ms. Carmen, the Court dismisses Plaintiff's malpractice claim against  
5 Ms. Rosentrater, Timothy Hadley's former attorney.

6 **II. CONCLUSION**

7 The Court dismisses Plaintiff's Complaint in part for lack of subject matter  
8 jurisdiction, and dismisses in other part pursuant to the *Younger* abstention  
9 doctrine,<sup>82</sup> all without prejudice.<sup>83</sup>

10 Accordingly, **IT IS HEREBY ORDERED:**

- 11 **1. Plaintiff's First Amended Complaint, ECF No. 19, is DISMISSED**  
12 **without prejudice** for lack of subject matter jurisdiction in part, and  
13 on *Younger* abstention grounds in other part.  
14  
15 **2. Judge John Lohrmann's Motion to Dismiss, ECF No. 22, is**  
16 **GRANTED.**  
17  
18 **3. Eowen Rosentrater's Motion for Dismissal Pursuant to CR 12(b)(1)**  
19 **and 12(b)(6), ECF No. 27, is GRANTED.**

20 <sup>82</sup> *Jenkins v. Davidon*, 956 F.2d 274 (9th Cir. 1992) ("We have held, however, that *Younger*  
abstention does not implicate subject matter jurisdiction.").

21 <sup>83</sup> The Court determines that dismissal without prejudice is appropriate in this case. *See Sanai v.*  
22 *Alexander*, 283 F. App'x 551, 552 (9th Cir. 2008) ("Because we affirm based on the *Younger*  
23 abstention doctrine . . . [w]e vacate the district court's judgment and remand with instructions  
24 to dismiss the action without prejudice."); *Zimmermann v. Gregoire*, 18 F. App'x 599, 601 (9th Cir.  
25 2001) ("With respect to the plaintiffs involved in pending state court proceedings, we conclude  
that the district court properly dismissed their claims with prejudice pursuant to the *Younger*  
abstention doctrine."). *See also Eldakroury v. Attorney Gen. of New Jersey*, 601 F. App'x 156, 157–  
58 (3d Cir. 2015) (concluding that dismissal without prejudice is appropriate where the state  
courts have already considered "the exact same constitutional claims" made by a plaintiff in  
federal court, but dismissal without prejudice is appropriate where the federal claims have not  
been resolved).

4. **Defendant Janelle Carman's** construed motion to join, **ECF No. 22,**

Joinder in Defendant Lohrmann Motion to Dismiss, is **DENIED.**

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel and Plaintiff.

s/Edward F. Shea  
EDWARD F. SHEA  
Senior United States District Judge